

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Dr. Justin O'Brien **FILE #** 11-111-350
2. **APPLICANT:** Dr. Justin O'Brien **HEARING DATE:** April 7, 2011
3. **TYPE OF APPLICATION:** NUP - Establishment
4. **LOCATION:** 1317 Summit Ave, between Hamline and Syndicate
5. **PIN & LEGAL DESCRIPTION:** 032823130097, Anna E Ramsey Add Enlg To St P E 1/4 Of Lot 19 & All Of Lot 20 & Lot 21 Blk 31
6. **PLANNING DISTRICT:** 13 **PRESENT ZONING:** R2
7. **ZONING CODE REFERENCE:** §Sec. 62.109(a)
8. **STAFF REPORT DATE:** March 29, 2011 **BY:** Kate Reilly
9. **DATE RECEIVED:** March 16, 2011 **60-DAY DEADLINE FOR ACTION:** May 15, 2011
-

- A. **PURPOSE:** Establishment of legal nonconforming use as a yoga / trade school
B. **PARCEL SIZE:** 90 ft. (Summit) x 230 ft. Lot area total is 20,700 sq. ft.
C. **EXISTING LAND USE:** R2
D. **SURROUNDING LAND USE:** North – RT1 Residential; East – R2 Residential; West – R2 Residential; South – R2 Residential/Institutional
E. **ZONING CODE CITATION:** §62.109(a) lists the conditions under which the Planning Commission may grant a permit to establish legal nonconforming use status.
F. **HISTORY/DISCUSSION:** Staff in the Department of Safety and Inspections have been working with the property owner and the applicant to determine the uses in the building and appropriate actions to take to satisfy zoning and building code requirements.
G. **DISTRICT COUNCIL RECOMMENDATION:** The District 13 Council had not made a recommendation at the time this report was prepared.
H. **FINDINGS:**
1. Dr. Justin O'Brien established the Institute of the Himalayan Tradition in the early 1990s. He teaches classes and seminars in yoga philosophy and its practices. Each class or seminar is about 10 students. There are no retreats that take place on the property, and the upper floors are used solely for the private use of the residents, Dr. O'Brien and his sister, the property owner, Theresa King.
 2. The structure at 1317 Summit requires a certificate of occupancy in order to be an accredited yoga school in the State of Minnesota. Staff in DSI have determined that this use is most similar to a trade school, which is not a permitted use in the R2 zoning district. In order to obtain the certificate of occupancy, his property must be approved as a legal nonconforming use, and the proper building code changes need to be made to his property. For this reason, Dr. O'Brien is seeking a non-conforming use permit for the property.
 3. Section 62.109(a) of the zoning code provides that the Planning Commission may grant legal nonconforming use status to the use of structures if the commission makes eight findings. The findings and the applicant's ability to meet them are as follows:
 - (1) *The use occurs entirely within an existing structure.* This finding is met. All of the classes will be taught in the building at 1317 Summit Avenue, which is an existing structure.
 - (2) *The use or use of similar intensity permitted in the same clause of the zoning code or in a more restrictive zoning district has been existence continuously for a period of at least ten years prior to the date of the application.* This finding is met. The applicant has provided signatures from 13 people certifying that they have been attending classes at the Institute for the Himalayan Tradition for at least 10 years.
 - (3) *The off-street parking is adequate to serve the use.* This finding is met. There are two spaces, which meets the requirement for the principal residential use. There is no off-street parking for students on site. However, Dr. O'Brien has a written agreement with the Kowalski's grocery store nearby that allows his students to use the Kowalski overflow parking

lot. Additionally, class sizes are not greater than 10 students at any one time, and on-street parking is also available for students' use

- (4) *Hardship would result if the use were discontinued.* This finding is met. Dr. O'Brien would incur a financial hardship if the use were discontinued, as the yoga school provides his income.
- (5) *Rezoning the property would result in "spot" zoning or a zoning inappropriate to surrounding land uses.* This finding is met. All of the surrounding uses are residential in nature. A rezoning to TN1 (the first zoning district where a trade school use is allowed) would not be consistent with zoning in the immediate area.
- (6) *The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare.* This finding is met. The existing character of development is a mix of residential and institutional, and this use will not be detrimental to that existing character, nor will it endanger the public health, safety, or general welfare.
- (7) *The use is consistent with the comprehensive plan.* This finding is met. The Snelling-Hamline Small Plan Summary (2007) seeks to maintain the character of the residential neighborhood. Because this trade school has so few students, and the residence will be maintained, this use maintains the character of the residential neighborhood. The Saint Paul Comprehensive Plan (2008) seeks to develop and preserve housing in "established neighborhoods." This use is located within an established neighborhood and because the primary use will continue to be residential, it meets the goal of preserving the character of the residential neighborhood.
- (8) *A notarized petition of two-thirds of the property owners within one hundred (100) feet the property has been submitted stating their support for the use.* This finding is met. The petition was found sufficient on January 13, 2011: 10 parcels eligible; 7 parcels required; 7 parcels signed.

I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the establishment of legal nonconforming use as a yoga / trade school subject to the following conditions.

1. The building will continue to be used primarily as a single family home, with yoga instruction limited to the space on the first floor as identified on the floor plan submitted with the application.
2. Class size is limited to ten (10) students, and only 1 class may be taught at a time.
3. The applicant shall work with staff in the Department of Safety and Inspections to bring the property into compliance with building code requirements for a "trade school."
4. The building will not be used for multiple-day retreats or classes that include overnight stays by students.
5. Any alterations to the exterior of the property shall be approved by the Heritage Preservation Commission or HPC staff.



NONCONFORMING USE PERMIT APPLICATION
Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning Office Use Only
File # 11-111350
Fee \$ 700.00
Tentative Hearing Date 4-7-11

PD-13

#

032823130097

APPLICANT

Name Dr. Justin O'Brien
Address 1317 Summit Ave
City St Paul St. MN Zip 55105 Daytime Phone 6516451291
Name of Owner (if different) Theresa King
Contact Person (if different) Dr. Justin O'Brien Phone 6516457802

PROPERTY LOCATION

Address/Location 1317 SUMMIT AVE
Legal Description _____
Current Zoning R2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Nonconforming Use Permit under provisions of Chapter 62, Section 109 of the Zoning Code:

- The permit is for: ☐ Change from one nonconforming use to another (para. c)
☐ Re-establishment of a nonconforming use vacant for more than one year (para. e)
☒ Establishment of legal nonconforming use status for use in existence at least 10 years (para. a)
☐ Enlargement of a nonconforming use (para. d)

SUPPORTING INFORMATION: Supply the information that is applicable to your type of permit.

Present/Past Use YOGA / TRADE SCHOOL

Proposed Use YOGA / TRADE SCHOOL

Attach additional sheets if necessary

Attachments as required ☒ Site Plan

☒ Consent Petition

☒ Affidavit

Applicant's Signature Justin O'Brien

Date 3/16/11

City Agent pdd 3/16/11

TO: Paul Dubruiel
PED Zoning
Department of Planning
25 West Fourth Street
Saint Paul, MN 55102

March 14, 2011

RE: Use Permit Application at 1317 Summit

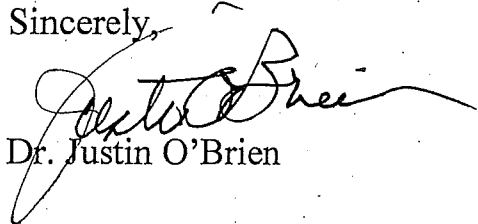
Dear Mr. Dubruiel:

Appreciate your phone call and guidance. Hopefully, these enclosures will bring the application to completion. The following information is per your request for those items unanswered in my previous application:

1. Enclosed is the signed evidence of students that indicate their attendance at our training classes for more than ten years.
2. A floor plan of the central room is enclosed. This room is the teaching space. For several years. we have noted that our classes usually involve less than ten students; hence, the central room is quite adequate
3. The upper floors pertain exclusively to the privacy of the family. We desire to keep this house as a one family dwelling with a Nonconforming use permit without any involvement in commercial renting.
4. A business plan has been enclosed.

Being an elder my memory may slip at times, so if there is any other information required, please notify me.

Sincerely,


Dr. Justin O'Brien

Check # 2428 enclosed

NONCONFORMING USE PERMIT

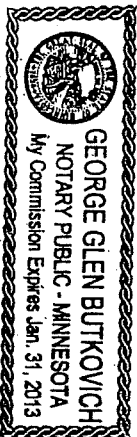
#2 To Whom it May Concern:

The following citizens have attended training sessions at IHT for more than ten (10) years:

NAME

ADDRESS

1. Dena Fickes 31 Norman Ridge Dr., Bldmington, MN
2. Barbara J. Strickland 1783 Eleanor Ave St Paul MN 55116
3. Spokane Falls 1045 Cleveland Ave So #7 St Paul MN 55116
4. Nandine Avery 546 Laurel #6 St. P. MN 55102
5. Martin Warren 909, DELAWARE HEIGHTS, MN. 55118-1022
6. KEVIN Miles 1842 ST CLAIR AVE #8 STP MN 55105 from E.M.D.
7. JEFF MAENDLER 2351 SPRINGSIDE DRE,
MAPLEWOOD, MN 55109
8. Anne Mercer 859 Osceola Ave, St. Paul, MN 55105
9. Tammy DeCenzo 1058 Legend Blvd, Stillwater, MN 5508
10. Theresa King 317 Summit Ave, St. Paul 55105
11. Maynard Spence 4447 Churchill St. Shoreview Mn
12. Judy Lindner 4447 Churchill St. Shoreview
13. JoAnn Green 1317 Summit Ave St Paul.

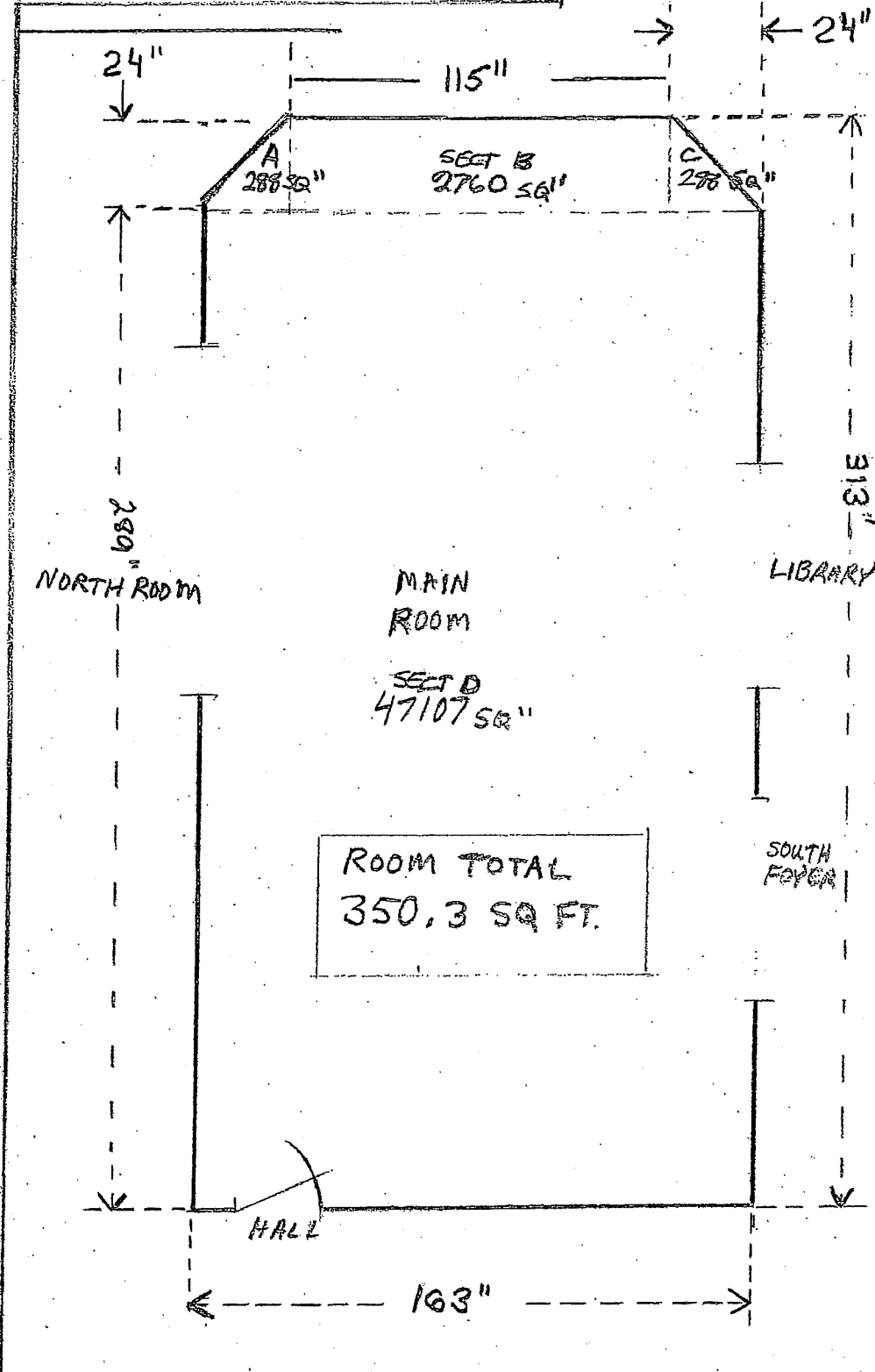


personally appeared
before me on 2/23/2011
and made known by
MNDL.

Notary: [Signature]

[Signature]

ROOM TOTAL 60443 SQ IN 350.3 SQ FT
A 288 + B 2760 + C 288 + D 47107 SQ IN



LHT
1317 SUMMIT AVE
N. D.

BUSINESS PLAN

INSTITUTE OF THE HIMALAYIAN TRADITION
DR JUSTIN O'BRIEN

February 23, 2011

1 THE SCHOOL PROFILE

Description of the teaching school

We offer classes and seminars in Yoga philosophy and its practices according to the tradition of the Himalayan sages as conveyed by Swami Rama. We seek to prepare qualified students to carry on the tradition. After sufficient training and careful examination the students are certified.

Targeted Market and students

People of sufficient age and bodily capacity to participate in the classes.

Growth Trends In Yoga

While yoga has become popular as a body cult, the philosophy and indepth practices are rarely taught. We have noted over the years that our comprehensive programs attract only those serious pursuers. It seems unlikely that things will change. Our programs are repeated yearly.

Fees

In comparison with other yoga studios, our fees are exceptionally inexpensive. We provide classes at modest costs. Even at our very low prices, we make allowances for students with hardships

2 VISION AND PEOPLE

The Vision

We envision life as a journey to fulfillment in body, mind, spirit. At the very heart of our journey is hatha yoga and meditation. We teach the essence of spirituality without the necessity for any particular dogma or doctrine. We welcome people of every religious background, every race, age, ethnicity, and ability. All seekers may come to study in the pure, classical, traditional, and welcoming environment of this major center of the Himalayan Tradition of Yoga!

The People

Work Experience Related To My Teaching

My work experience has been as follows:

1972 – Present Position teaching yoga in Europe, UK, and US

Education Credentials

Educational credentials: Graduate degrees, Drs, Ph.D.

3 ORGANIZATION

IHT is a non-profit 501 3C

Corporate Charter Number: 2C-76

Licensed with Minnesota State as a private career school

The earlier registered name was: The Alpha Institute of Learning and Research
5/26/1994 RI-000448

Professional Consultants

Professional advisors that assist our operations. :

Attorney: Kenneth Pierce

Accountant: Roy Wutz, C.P.A.

Insurance Agent: Steven Woog

4 ASSISTANTS

During the teaching weeks, we utilize some of our certified teachers. Otherwise the classes are maintained by myself and my sister, Theresa King.

Administrative work is conducted by my sister. No employees are involved.

5 LOCATION

The primary site for the teaching is 1317 Summit Avenue, St. Paul, MN 55105

Phone: 651 6451291

ZONING PETITION SUFFICIENCY CHECK SHEET

REZONING

SCUP

NCUP

FIRST SUBMITTED

RESUBMITTED

DATE PETITION SUBMITTED: _____

DATE PETITION RESUBMITTED: _____

DATE OFFICIALLY RECEIVED: 3-16-11

DATE OFFICIALLY RECEIVED: _____

PARCELS ELIGIBLE: 10

PARCELS ELIGIBLE: _____

PARCELS REQUIRED: 7

PARCELS REQUIRED: _____

PARCELS SIGNED: 7

PARCELS SIGNED: _____

CHECKED BY: Paul Dubruel

DATE: 1-13-11

CITY OF SAINT PAUL

CONSENT OF ADJOINING PROPERTY OWNERS FOR A NONCONFORMING USE PERMIT

We, the undersigned, owners of the property within 100 feet of the subject property acknowledge that we have been presented with the following:

A copy of the application of Dr. Justin O'Brien
(name of applicant)

to establish a Private Career School
(proposed use)

located at 1317 Summit
(address of property)

requiring a nonconforming use permit, along with any relevant site plans, diagrams, or other documentation.

We consent to the approval of this application as it was explained to us by the applicant or his/her representative.

ADDRESS OR PIN	RECORD OWNER	SIGNATURE	DATE
1325 Summit	ROBERT G. THACKER	Robert G. Thacker	11/20/10
1307 Summit	Kim Jenkins	Kim Jenkins	11/20/10
1326 Portland	Curtis Beineis	Curtis Beineis	12/25/10
1322 Portland	Jim Franczyk	Jim Franczyk	12/27/10
1297 Summit	Gency Walder	Gency Walder	12/27/10
1317 Summit	Theresa King	Theresa King	12-30-10
1320 Portland Ave	Rebecca McLon	Rebecca McLon	12-30-10

NOTE: All information on the upper portion of this application must be completed prior to obtaining eligible signatures on this petition.

CITY OF SAINT PAUL

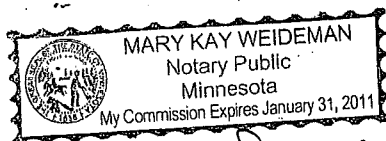
AFFIDAVIT OF PERSON CIRCULATING PETITION

STATE OF MINNESOTA)

:SS

COUNTY OF RAMSEY)

Dr. Justin O'Brien, being first duly sworn, deposes and states that he/she is the person who circulated the consent petition consisting of 1 pages; that affiant is informed and believes that the parties described on the consent petition are the owners of the parcels of real estate described immediately before each name, and that each of the parties described on the consent petition is an owner of property within 100 feet of the subject property described in the petition and all property contiguous to the subject property that was owned, purchased or sold by the petitioner within one (1) year preceding the date of the petition; that the consent petition was signed by each said owner; and that the signatures are the true and correct signatures of each and all of the parties so described.



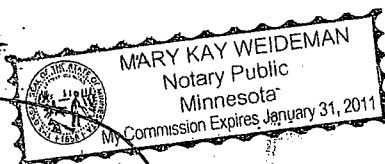
*Appeared before me
Justin O'Brien, only
1/26/2011
Mary Weideman*

NAME

ADDRESS

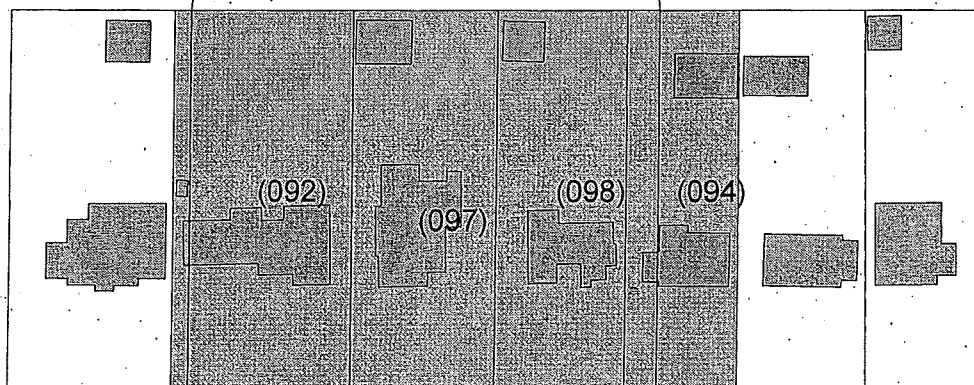
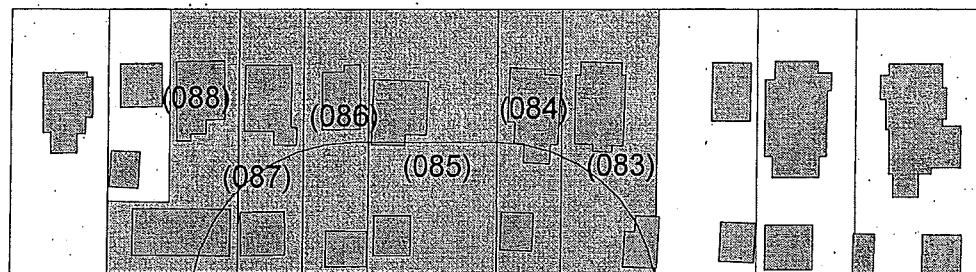
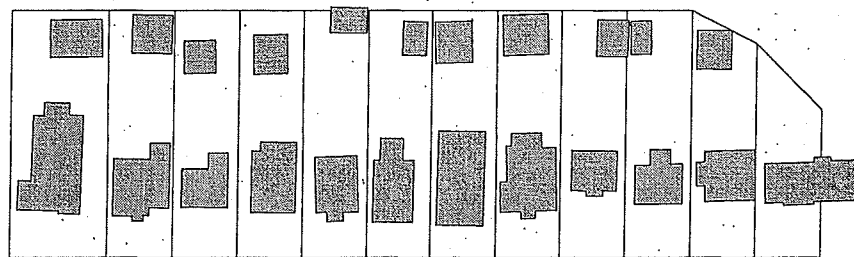
TELEPHONE NUMBER

Subscribed and sworn to before me this
6th day of January, 2011

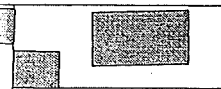
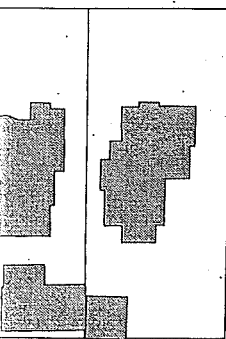
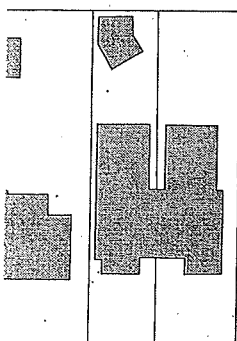
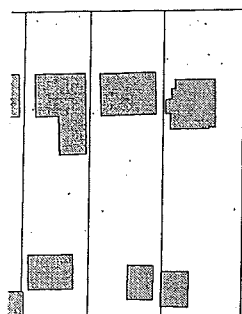
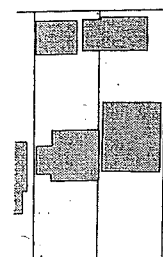
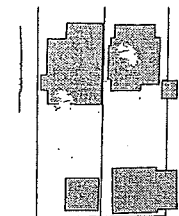
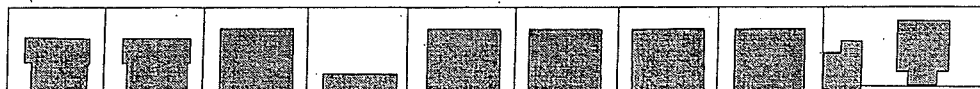
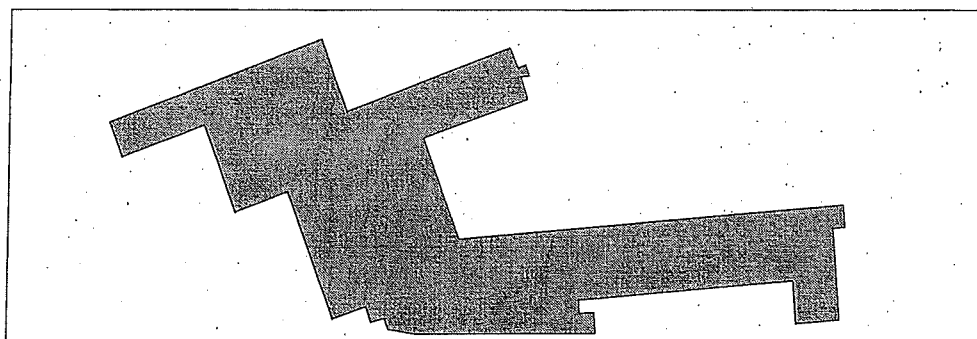


NOTARY PUBLIC

SYNDICATE



HAMLIN





CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 1, 2010

Dr. Justin O'Brien
Institute of the Himalayan Tradition
1317 Summit Ave
St Paul MN 55105-2602

RE: Follow-up to our September 24 site visit at 1317 Summit Avenue

Dr. O'Brien:

On Friday, September 24, 2010, Larry Zangs (DSI Project Facilitator), Diane McCabe (DSI Fire Inspector), and I (Corinne Tilley, DSI Inspector – Zoning), met with you and Mr. Maynard Speece at 1317 Summit Avenue. As a follow-up to our site meeting, I am sending you this letter to confirm our conversations.

1317 Summit Avenue is located in the R2 one family residential zoning district and within the Historic Preservation District.

You explained to us that this site has been used as a spiritual institute for almost 15 years. Classes are held here four nights per week. You stated that this school is licensed by the state.

During our visit, we made the following site observations:

1. Access to the first floor is not ADA accessible.
2. The first floor of the house is occupied by the Institute of the Himalayan Tradition, you stated, for the following uses:
 - The Institute's book store
 - Yoga classes
 - Meditation
 - Seminars
 - Teacher training
3. No observations were made of the second and third floors. During the meeting, you informed us that the upper floors are your residence.
4. Three-stall garage (accessory structure in the rear yard, access via the alley)
5. One restroom in the first floor (not ADA accessible)

The following comments were made at the conclusion of our meeting:

Zoning

In order to determine the legal use of this property, you stated that you would submit documentation from the State of Minnesota Department of Education supporting the institutional use of this property. Upon submittal to our office, zoning will review the documentation for a zoning determination.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

November 10, 2010

Dr. Justin O'Brien
Institute of the Himalayan Tradition
1317 Summit Ave
St Paul MN 55105-2602

RE: 1317 Summit Avenue

Dear Dr. O'Brien:

We have received and reviewed your letter dated October 7, 2010. Your letter included a copy of a document from the Minnesota Office of Higher Education indicating that 1317 Summit Avenue as a newly licensed private career school.

Based on the observations made during our site visit on September 24 and your letter dated October 7, we have determined that the following requirement must be met to establish the legal use of this property as a private career school:

- Obtain approval to establish a legal nonconforming use as a private career school on the first floor (with retail space, daily yoga, cooking, and meditation classes and periodic rooming and boarding) and a primary residence on the 2nd and 3rd floors at 1317 Summit Avenue. An application is enclosed for your convenience.
- Upon zoning approval, the structure must comply with all life and safety requirements of the State Building and Fire Codes. A fire certificate of occupancy is required from the City Fire Marshall. Note: Building/trade permits must be obtained for all work needed to meet the requirements.

If you have any questions regarding this matter, please contact me at 651-266-9085 (office) or corinne.tilley@ci.stpaul.mn.us (email).

Regards,

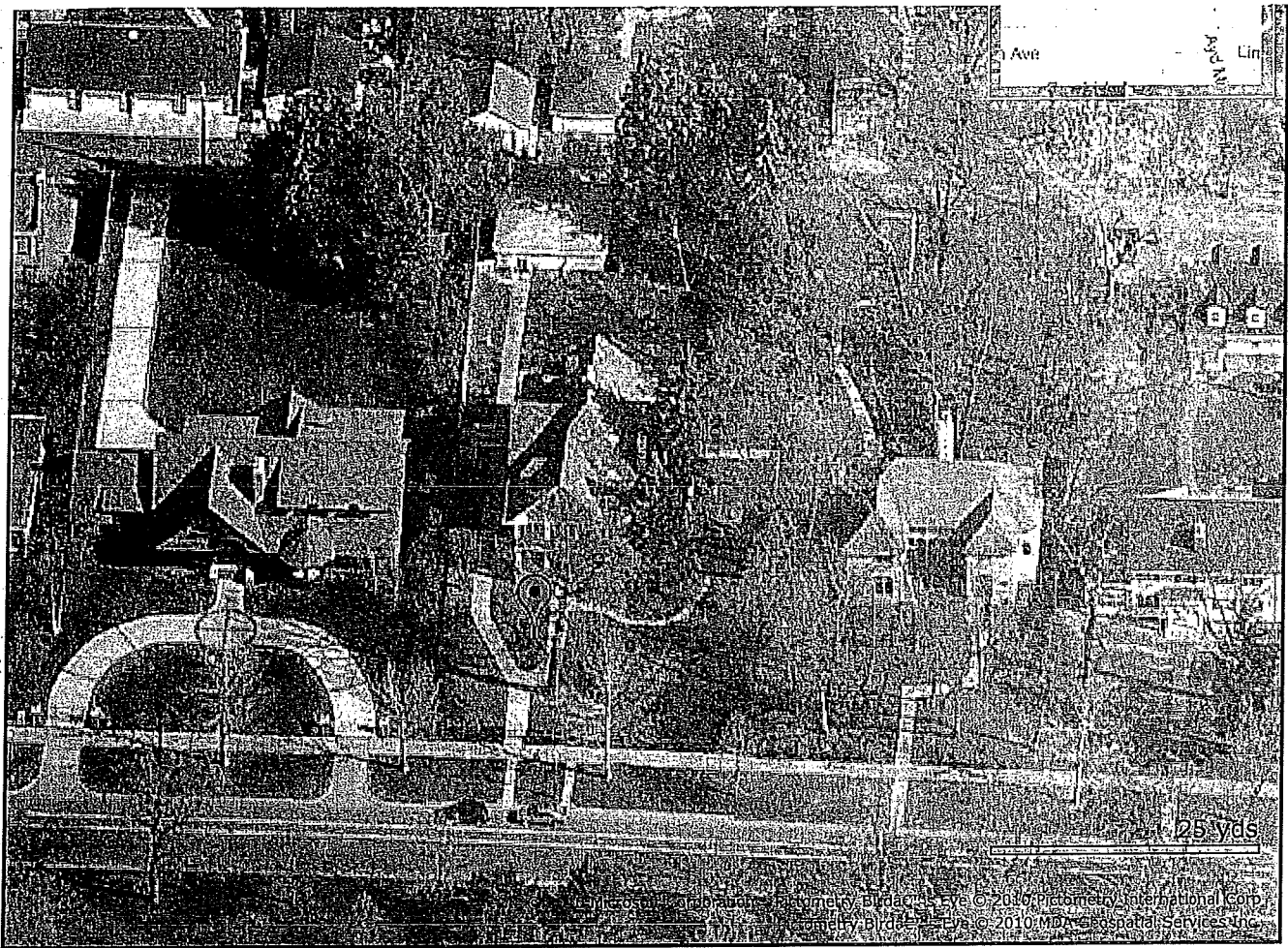
Corinne A. Tilley
DSI Inspector – Zoning and Site Plan Review

Enclosure

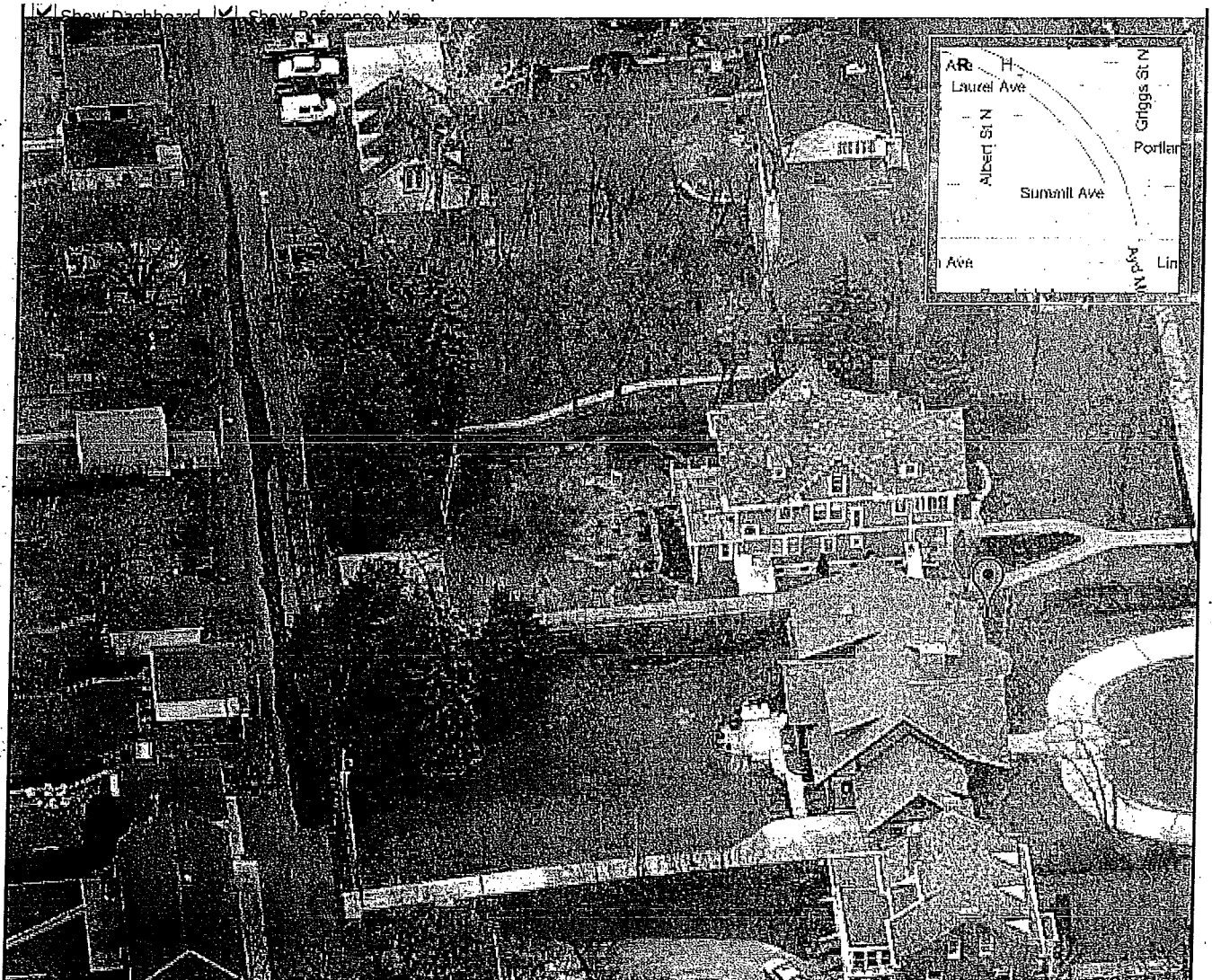
Copy: Diane McCabe / DSI Fire Inspector
Larry Zangs / DSI Inspector

You may appeal this decision and obtain a hearing before the Board of Zoning Appeals by filing an Application for Appeal and paying the application fees to the Zoning Administrator within (10) days of the date these orders were

mailed. The Application for Appeal may be obtained from the Zoning Administrator's Office at 375 Jackson Street, Suite 220, Saint Paul MN 55101-1806.



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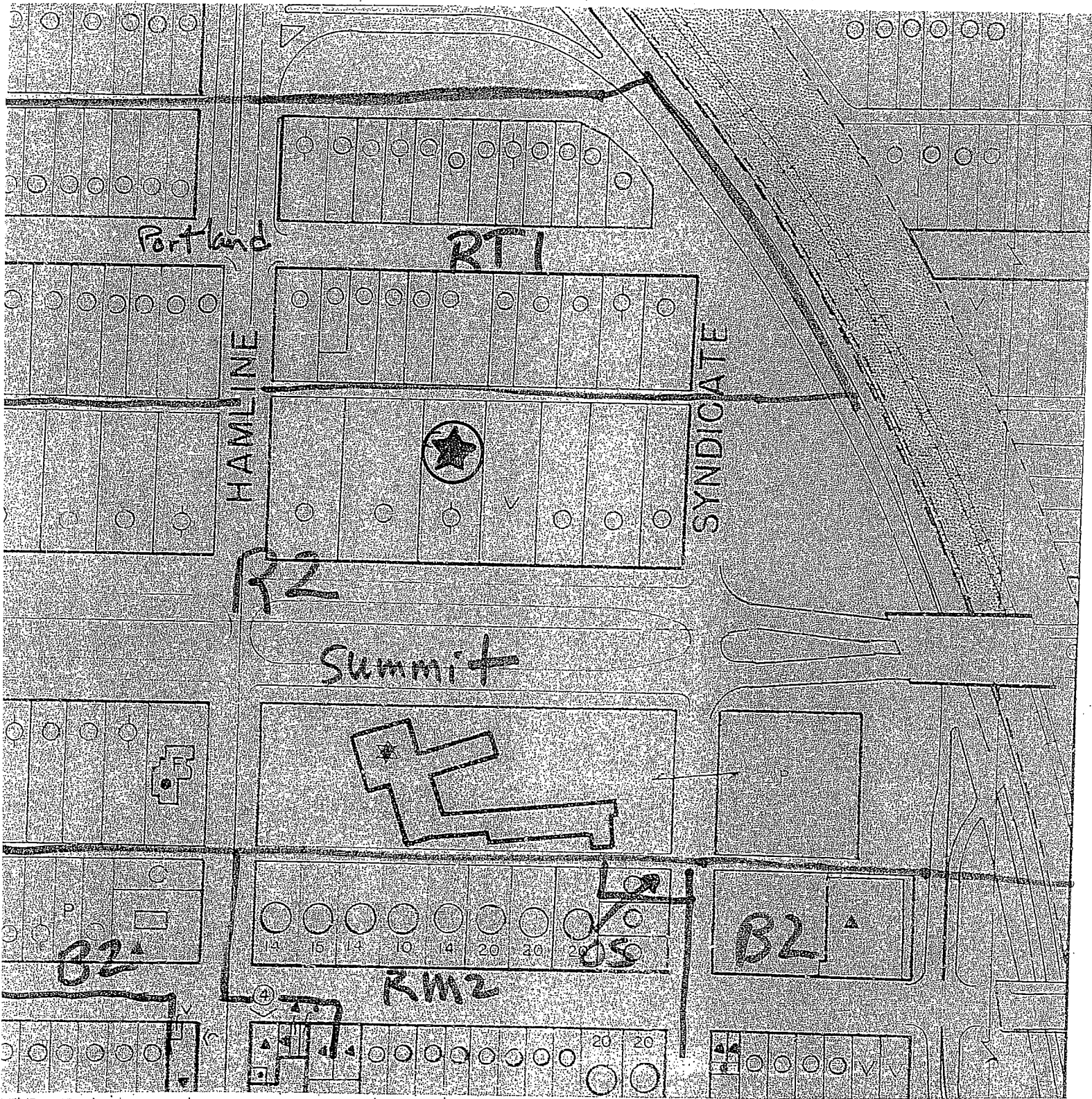
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GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map





APPLICANT Theresa King
 PURPOSE Establishment Ncup
 FILE # 11-111350 DATE 3-22-11
 PLNG. DIST. 1-3 Land Use Map # 18
 SCALE 1"=400' Zoning Map # 14

- LEGEND
- zoning district boundary
 - subject property
 - one family
 - two family
 - multiple family
 - commercial
 - industrial
 - vacant



ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Saldi LLC
 2. **APPLICANT:** Saldi LLC
 3. **TYPE OF APPLICATION:** Rezoning
 4. **LOCATION:** 150 Cesar Chavez St, between George and Robert
 5. **PIN & LEGAL DESCRIPTION:** 082822240009; Hornsbys Re Of L1 5b89 W Stp Lots 6, 7, 8, 9 & Lot 10 Blk 89
 6. **PLANNING DISTRICT:** 3
 7. **ZONING CODE REFERENCE:** §61.801(b), §66.421
 8. **STAFF REPORT DATE:** March 28, 2011
 9. **DATE RECEIVED:** March 14, 2011
- FILE #:** 11-111-117
HEARING DATE: April 7, 2011
EXISTING ZONING: TN2
BY: Lucy Thompson
60-DAY DEADLINE FOR ACTION: May 13, 2011
-

- A. **PURPOSE:** Rezoning from TN2 Traditional Neighborhood to B3 General Business
- B. **PARCEL SIZE:** 100 ft. (Cesar Chavez) x 100 ft. = 10,000 sq. ft.
- C. **EXISTING LAND USE:** Commercial – money service business, including money transfer and bill-paying services, DBA Los Gallos 10
- D. **SURROUNDING LAND USE:** Commercial (bakery and accounting service) with parking to the northwest and southeast in the TN2 zoning district; commercial (La Clinica) and park (Parque Castillo) across Cesar Chavez to the northeast in the TN2 zoning district; residential uses in the RM2 district to the southwest.
- E. **ZONING CODE CITATION:** §61.801(b) provides for changes to the zoning of property initiated by the property owner; §66.421 requires B3 zoning for an “alternative financial establishment.”
- F. **HISTORY/DISCUSSION:** This parcel and most of the commercial area were zoned to B2 as part of the city-wide rezoning in 1975. The parcel was one of 80 parcels recently rezoned as part of the District del Sol Zoning Study (adopted by the City Council in July 2010).
- G. **DISTRICT COUNCIL RECOMMENDATION:** The Building and Land Use Committee of the West Side Citizens Organization (District 3) sent a letter in October 2010 in support of the rezoning request.
- H. **FINDINGS:**
 1. Los Gallos opened in 2003, offering services such as money transfer and check-cashing. At that time, the Department of Safety and Inspections determined that the business would not charge more than \$1.00 or 1% of the value of the check, and therefore did not require a City or State license as a currency exchange. The business is now requesting a rezoning to B3 in order to cash checks for fees that exceed \$1.00 or 1% of the value of the check. With this change, the business meets the definition of an “alternative financial establishment” under the City’s Legislative Code, a use first permitted as a conditional use in the B3 district.
 2. The existing TN2 zoning is more consistent than the proposed B3 zoning with the way this area has developed. Since the early 1900s, District del Sol has been a transit-oriented commercial district, one very well-suited to the intent of today’s Traditional Neighborhood districts. The 1917 Twin City Rapid Transit Company map shows Wabasha, Robert and Concord (now Cesar Chavez) streets -- the three commercial corridors that make up District del Sol -- as streetcar routes, and much of the extant building fabric is from that time. District del Sol continues to be served by high-frequency transit (all three streets are “transit streets” as defined in the Zoning Code), and the area is part of a study of regional transit options that will connect Saint Paul to

Dakota County and the region. The strength of the business district has been the retention of buildings with small storefronts with a more pedestrian orientation. In addition, over time District del Sol has seen the infill development of detached residential uses, making it a more finely-scaled mixed commercial/residential area. B3 zoning permits uses that are more auto-oriented and less consistent with the fabric and scale of this transit-oriented mixed use district.

3. The proposed zoning is not consistent with the Comprehensive Plan. For more than two decades, the West Side Citizens Organization, Riverview Economic Development Association and Neighborhood Development Alliance have collaborated to create a strong commercial district at the heart of the greater West Side neighborhood. This vision has been regularly and heartily embraced in several plans and development frameworks supported by the community and adopted by the Saint Paul City Council.

The *Saint Paul on the Mississippi Development Framework* was adopted by the City Council in 1998 as the general land use and urban design framework for downtown, the central riverfront and District del Sol. It envisions the West Side as a series of linked urban villages that are mixed-use, pedestrian-friendly and transit-supportive. In District del Sol, the *Development Framework* calls for: 1) landscape and streetscape initiatives to create a more pedestrian-oriented environment along Wabasha, Robert and Concord (now Cesar Chavez) streets; 2) mixed-use urban villages that increase opportunities for people to live, work and meet most daily needs within walking distance; 3) strengthened District del Sol corridors to cater to neighborhood, local and regional markets; 4) strategic infill redevelopment of vacant and underutilized sites along the three commercial corridors; 5) a better balance between cars, bicycles, public transit and pedestrians; and 6) increased investments in transit.

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It was in response to these strong Comprehensive Plan (and other policy document) directions that most of the parcels in District del Sol were rezoned to TN2 in July 2010. The subject parcel was rezoned from B2 to TN2 at that time.

4. The proposed zoning is not compatible with surrounding uses. The adjacent and surrounding parcels within District del Sol are now all zoned TN2. Introducing B3 zoning for this one parcel opens up the possibility for uses that are incompatible with those permitted in TN2, and that work against the vision and goals of the neighborhood (such as auto repair, outdoor auto sales, and wholesale establishments).
 5. The current TN2 zoning permits reasonable use of the property, consistent and compatible with uses permitted on surrounding TN2 parcels.
 6. Court rulings have determined that "spot zoning" is illegal in Minnesota. Minnesota courts have stated that this term *"applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and creates an island of nonconforming use within a larger zoned district, and which dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."* While the proposed B3 parcel would be completely surrounded by TN2 parcels, it is not clear that it would "dramatically reduce the value for uses specified in the zoning ordinance of either the rezoned plot or abutting property."
- I. **STAFF RECOMMENDATION:** Based on the above findings, staff recommends denial of the rezoning from TN2 Traditional Neighborhood to B3 General Business.



PETITION TO AMEND THE ZONING CODE

Department of Planning and Economic Development

Zoning Section

1400 City Hall Annex

25 West Fourth Street

Saint Paul, MN 55102-1634

(651) 266-6589

Zoning office use only

File # 11-111117

Fee: 1200⁰⁰

Tentative Hearing Date:

PD=3

082822 24 0009

APPLICANT

Property Owner Saldi, LLC represented by Eduardo Salgado
Address 3455 4th Ave S
City Minneapolis St. MN Zip 55408 Daytime Phone 612-822-6190
Contact Person (if different) Eduardo Salgado Phone 612-819-4999

PROPERTY LOCATION

Address / Location 150 Cesar Chavez St, St. Paul, MN
Legal Description Lots 6, 7, 8, 9 & Lot 10 Blk 89
Current Zoning _____
(attach additional sheet if necessary)

TO THE HONORABLE MAYOR AND CITY COUNCIL:

Pursuant to Section 61.800 of the Saint Paul Zoning Ordinance and to Section 462.357(5) of Minnesota Statutes,

Eduardo Salgado, owner of land proposed for rezoning, hereby petitions you to
rezone the above described property from a TN2 zoning district to a B
zoning district, for the purpose of: B3

(attach additional sheets if necessary)

Attachments as required: ☐ Site Plan ☐ Consent Petition ☐ Affidavit

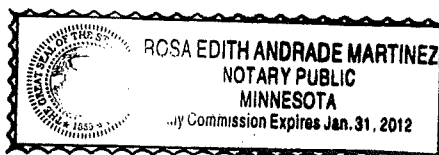
CK 7325⁰⁰
1500⁰⁰
add 3-14-11

Subscribed and sworn to before me

this 20 day
of January, 20 11.

By: SALDI LLC
Eduardo Salgado
Fee Owner of Property
Title: President

Rosa E. Andrade Mtz.
Notary Public



Los Gallos 10, Inc.

Services: Los Gallos 10 is a establishment specialized in money transfer services, we work with companies as WESTERN UNION, Moneygram, RIA, Intermex, I-Transfer, Check-Free-Tag etc., to offer to our customers the possibility of paying their bills, transfer money overseas, purchase money orders or buy a phonecard.

We are a Money Service Business (MSB) and as such, we are strongly regulated by federal and state laws to uphold the Patriot Act and prevent money laundering. Until now, we have also provided the service of check acceptance as a form of payment for the goods we offer, but given the request of our customers of becoming a "check-cashing place" and for them to not be in the necessity of buying something in order for us to accept their checks as a form of payment; and this is the main reason for this petition.

We are not willing or planning to change anything that could affect the shape or looks of the building and or property, nor the landscape, but we're pursuing the license to be able to cash checks without an obligated transaction.

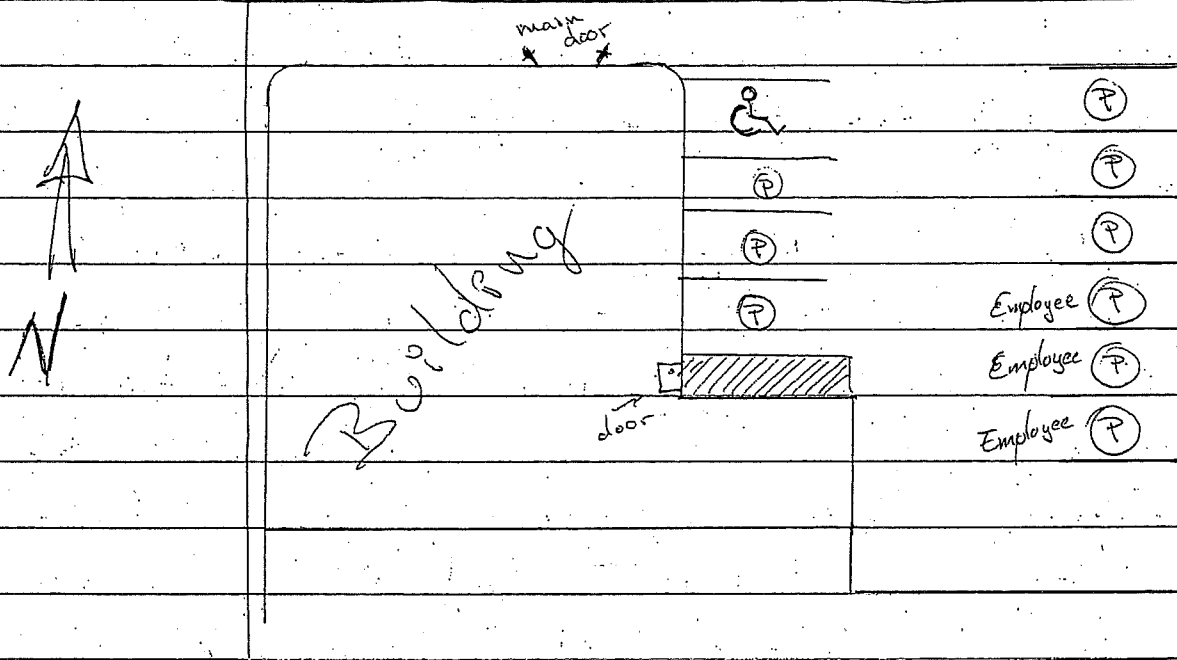
Our hours of operation are
Monday to Saturday 9:00AM to 8:00pm
Sunday 9:00AM to 5:00pm

In Los Gallos 10, we are four employees →

working with different scheduler throughout the week.

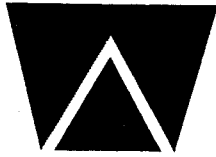
We have been working this way since May 2003 and have become a very trustworthy business among our customers and community.

I'd like to show you with this drawing the way the building and the parking lot are located
(150) CESAR CHAVES ST



Thanks for your time.

Alberto Salgado-Hernández



WEST SIDE CITIZENS ORGANIZATION

**127 West Winifred Street
Saint Paul, MN 55107**

October 23, 2010
Bob Kessler
Department of Safety and Inspections
375 Jackson St
Suite 220
St. Paul, MN 55101-1806

Re: 150 Cesar Chavez, Los Gallos request for a zoning change and conditional use permit.

To whom it may concern:

On October 18, 2010, the owners of Los Gallos Inc. presented a request to the WSCO Building and Land Use committee for support on a zoning change from TN2 to B3 and a conditional use permit. The changes would be required for the business to upgrade their services to become a Currency Exchange. The Committee passed a formal motion supporting their request.

Sincerely,

Elena Gaarder
Executive Director
West Side Citizens Organization

WATSON

ANTON-ROBIE CONNE

ROBIE

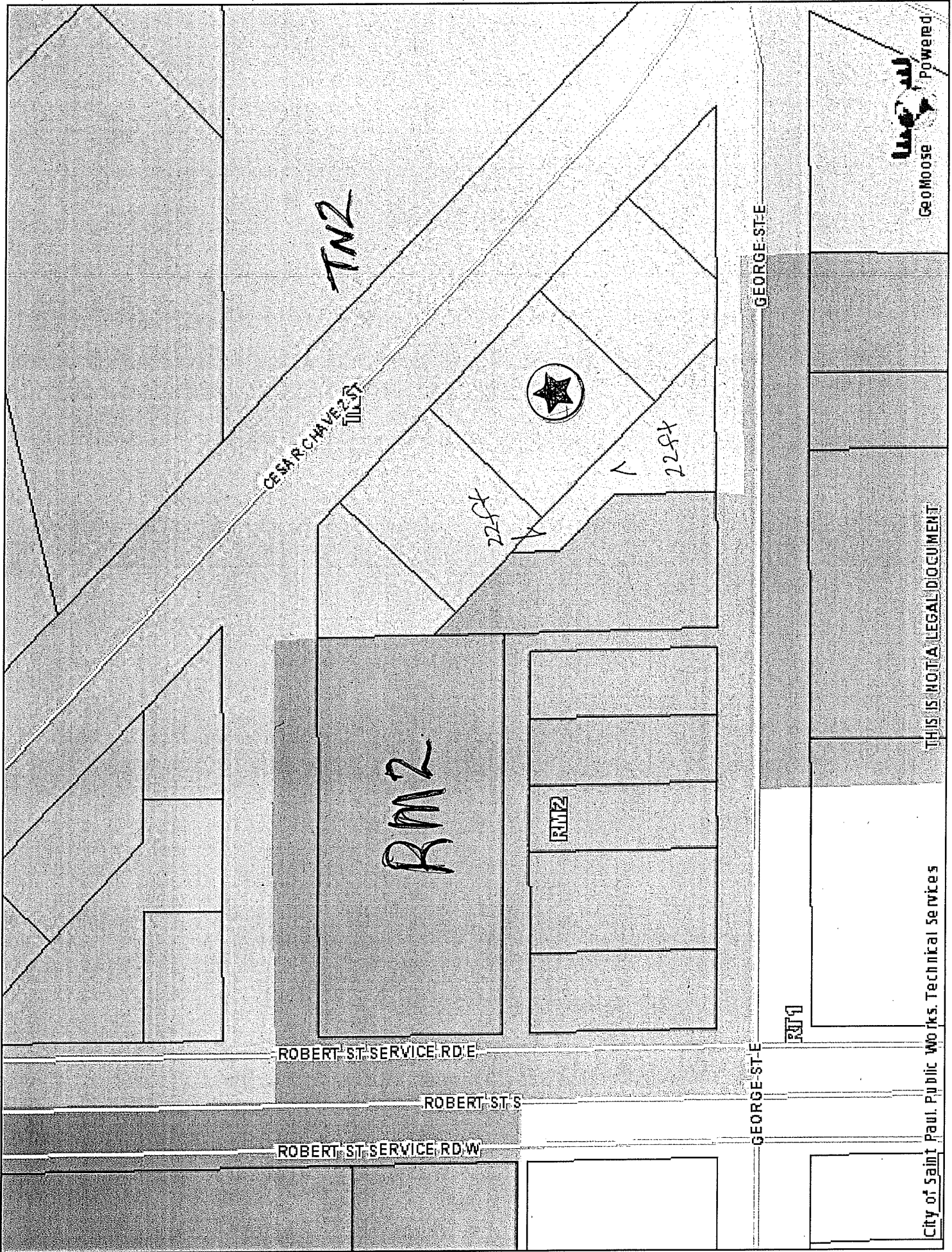
CONCORD

GEORGE

STATE

STEVENS





THIS IS NOT A LEGAL DOCUMENT

City of Saint Paul, Public Works Technical Services

Images courtesy of: Microsoft© Virtual Earth™ 2006

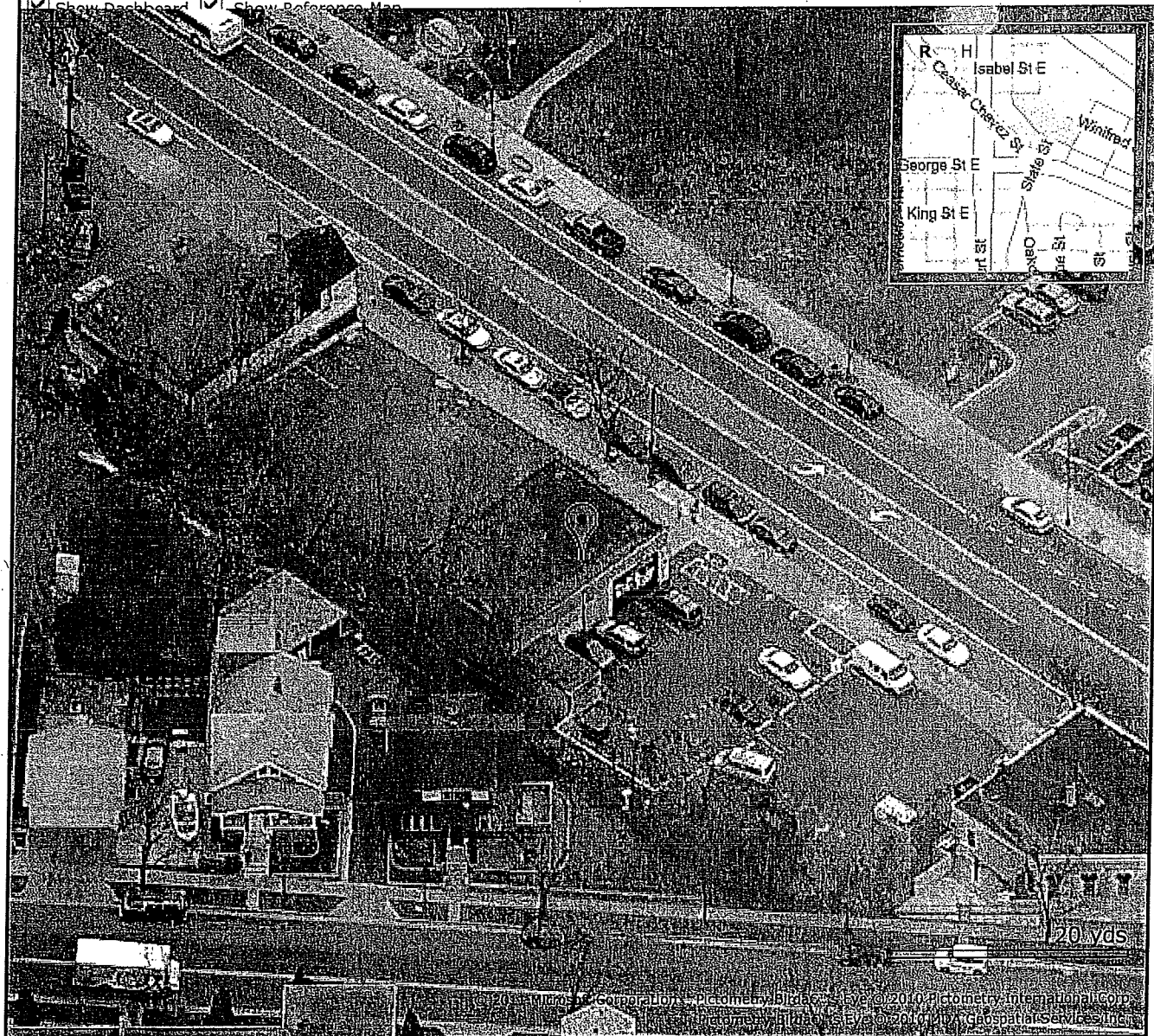
☒ Show Dashboard ☒ Show Reference Map



Photo #1

ZONING COMMITTEE STAFF REPORT

1. **FILE NAME:** Saldi LLC
 2. **APPLICANT:** Saldi LLC
 3. **TYPE OF APPLICATION:** Conditional Use Permit
 4. **LOCATION:** 150 Cesar Chavez St, between George and Robert
 5. **PIN & LEGAL DESCRIPTION:** 082822240009, Hornsbys Re Of L1 5b89 W Stp Lots 6, 7, 8, 9 & Lot 10 Blk 89
 6. **PLANNING DISTRICT:** 3
 7. **ZONING CODE REFERENCE:** § 65.511; § 61.501; § 61.502
 8. **STAFF REPORT DATE:** March 28, 2011
 9. **DATE RECEIVED:** March 14, 2011
- FILE # 11-111-120**
HEARING DATE: April 7, 2011
PRESENT ZONING: TN2
BY: Lucy Thompson
60-DAY DEADLINE FOR ACTION: May 13, 2011

A. **PURPOSE:** Conditional Use Permit for alternative financial establishment with modification of required distance from residential property

B. **PARCEL SIZE:** 100 ft. (Cesar Chavez) x 100 ft. = 10,000 sq. ft.

C. **EXISTING LAND USE:** Commercial – money service business, including money transfer and bill-paying services, DBA Los Gallos 10

D. **SURROUNDING LAND USE:**

Northwest: Commercial with parking lot (TN2)

Northeast: Commercial (La Clinica) and park (Parque Castillo) (TN2)

Southeast: Commercial with parking lot (TN2)

Southwest: Residential (RM2)

E. **ZONING CODE CITATION:** §65.511 defines alternative financial establishments, and states the standards and conditions they must meet; §66.421 states that alternative financial establishments are a conditional use in the B3 district; §61.501 lists general conditions that must be met by all conditional uses; §61.502 authorizes the Planning Commission to modify any or all special conditions after making specified findings.

F. **HISTORY/DISCUSSION:** This parcel was rezoned from B2 to TN2 in July 2010. The applicant has also applied to rezone the parcel from TN2 to B3. Staff is recommending denial of the rezoning.

G. **DISTRICT COUNCIL RECOMMENDATION:** The Building and Land Use Committee of the West Side Citizens Organization (District 3) voted on October 18, 2010 to support the request for a conditional use permit.

H. **FINDINGS:**

1. The applicant is requesting a conditional use permit to establish an alternative financial establishment (AFE) in a B3 district. There are three standards and conditions required of any AFE:
 - a) The AFE shall be located at least 150 feet from any lot in a residential district or lot occupied with a one-, two- or multiple-family dwelling. This condition is not met. The subject parcel is located closer than 150 feet from parcels in an RM2 district. The applicant has requested a modification from this requirement.
 - b) No AFE shall be located within 2,640 feet of another AFE. This condition is met.
 - c) No AFE shall be located within 1,320 feet of any pawn shop. This condition is met.
2. §61.501 lists five standards that all conditional uses must satisfy:
 - (1) *The extent, location and intensity of the use will be in substantial compliance with the Saint Paul Comprehensive Plan and any applicable subarea plans which were approved by the city council.* This condition is not met. Staff is recommending denial of the applicant's request to rezone the parcel to B3, because B3 zoning is inconsistent with *the Saint Paul on the Mississippi Development Framework, West Side Community Plan and Riverview Commercial*

Corridor Revitalization Program Area Plan Summary, *Land Use Plan* and *Harriet Island/District del Sol Final Concept Plan*. For more than two decades, the West Side Citizens Organization, Riverview Economic Development Association and Neighborhood Development Alliance have collaborated to create a strong commercial district at the heart of the greater West Side neighborhood. This vision has been regularly and heartily embraced in several plans and development frameworks supported by the community and adopted by the Saint Paul City Council.

The *Saint Paul on the Mississippi Development Framework* was adopted by the City Council in 1998 as the general land use and urban design framework for downtown, the central riverfront and District del Sol. It envisions the West Side as a series of linked urban villages that are mixed-use, pedestrian-friendly and transit-supportive. In District del Sol, the *Development Framework* calls for: 1) landscape and streetscape initiatives to create a more pedestrian-oriented environment along Wabasha, Robert and Concord (now Cesar Chavez) streets; 2) mixed-use urban villages that increase opportunities for people to live, work and meet most daily needs within walking distance; 3) strengthened District del Sol corridors to cater to neighborhood, local and regional markets; 4) strategic infill redevelopment of vacant and underutilized sites along the three commercial corridors; 5) a better balance between cars, bicycles, public transit and pedestrians; and 6) increased investments in transit.

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It was in response to these strong Comprehensive Plan (and other policy document) directions that most of the parcels in District del Sol were rezoned to TN2 in July 2010. The subject parcel was rezoned from B2 to TN2 at that time.

- (2) *The use will provide adequate ingress and egress to minimize traffic congestion in the public streets. This condition is met.*
- (3) *The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety and general welfare. This condition is met.*

- (4) *The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. This condition is met.*
- (5) *The use shall, in all other respects, conform to the applicable regulations of the district in which it is located. This condition is not met. The use is not permitted in the TN2 zoning district. Staff is recommending denial of the proposed rezoning to B3, because B3 would allow future development that is inconsistent with neighborhood and City plans.*
- 4. The planning commission may approve modifications of special conditions when specific criteria of §61.502 are met: *strict application of such special conditions would unreasonably limit or prevent otherwise lawful use of a piece of property or an existing structure and would result in exceptional undue hardship to the owner of such property or structure; provided, that such modification will not impair the intent and purpose of such special condition and is consistent with health, morals and general welfare of the community and is consistent with reasonable enjoyment of adjacent property.* This finding is not met. The proposed use as an "alternative financial establishment" is not an otherwise lawful use of the property, since it is not permitted in the TN2 zoning district. There are many uses for the property that comply with the existing (TN2) zoning. The applicant has provided no information regarding exceptional undue hardship if this conditional use permit is not approved.
- I. **STAFF RECOMMENDATION:** Based on the findings 1(a), 2(1), 2(5), and 4, staff recommends denial of the Conditional Use Permit for an alternative financial establishment and denial of the modification of required distance from residential property.



CONDITIONAL USE PERMIT APPLICATION

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # 11-11120
Fee # 300.00
Tentative Hearing Date
4-7-11

PD-3

* 082822240009

APPLICANT

Name ALBERTO SALGADO-HERNANDEZ
Address 7315 CLEVE AVE
City Inver Grove Heights St. Zip 55076 Daytime Phone 6517755347
Name of Owner (if different) _____
Contact Person (if different) _____ Phone _____

PROPERTY
LOCATION

Address / Location 150 CESAR CHAVEZ ST "A"
Legal Description Money Transfer Services (MSB)
Current Zoning TN2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 61, Section 501, Paragraph _____ of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

Back in 2007 the area where my business is located had the zoning code of B2; about 18 months ago, it was changed to TN2 (don't know why).

Now I'm requesting for a rezoning with a conditional use permit because I'm willing to obtain an "Alternative Financial Establishment" license in order to be able to cash checks, not only as a way of payment for a service as I actually do.

The only condition I believe the building does not comply with is the one asking for "at least 150 feet from any lot in a residential district." (Please see photo #1), but I would ask you to have this "consideration":

- There is a \pm 20 feet elevation above of the residential lot above my business building
- The space between the house and the business has a very significant slope (photo #2)

☒ Required site plan is attached

(CONTINUES →)

Applicant's Signature

Alberto Salgado Hernandez

Date

3/14/11

City Agent

pd

3-14-11

c) In the space between the two properties, there is a huge cement wall that is supporting all the houses that are over that hill (Photo #3 & 4)

d) There's no form to walk between the two properties, if you'd want to go from one place to another, you would have to walk up to the corner of Cesar Chavez & State and walk on George St. (See Map)

Los Gallos 10, Inc. has been in business since May 2003 and we have had the same type of business ever since; when we started, we invested on the property to change the way it looked (it was an abandoned garage/car-repair shop), in order to comply with the neighborhood & city requirements and now, we're not willing to change shape or structure of the building nor the landscape, we're only pursuing the government authorization to cash checks.

We really hope you can help us out with this goal:

Truly Yours.

Alberto Salgado-Hernandez

150 Cesar Chavez St

St Paul MN 55107

(651) 775 5347

Los Gallos 10, Inc.

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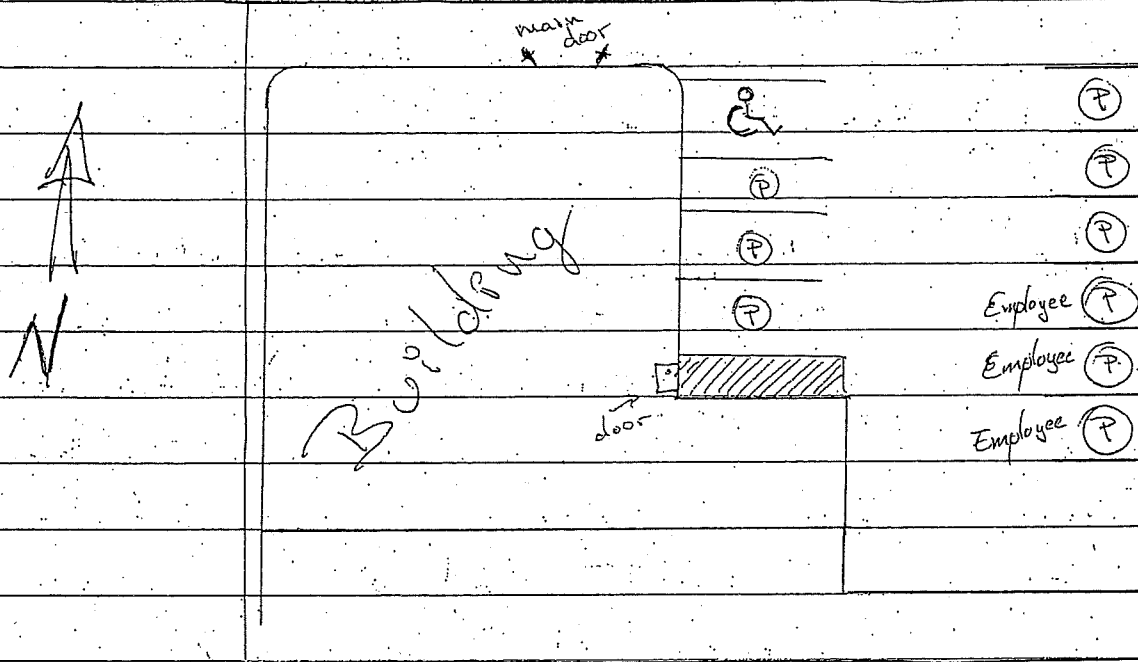
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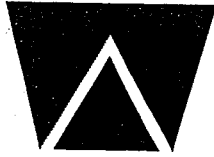
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Alberto Salgado-Hernández



WEST SIDE CITIZENS ORGANIZATION

127 West Winifred Street
Saint Paul, MN 55107

October 23, 2010
Bob Kessler
Department of Safety and Inspections
375 Jackson St
Suite 220
St. Paul, MN 55101-1806

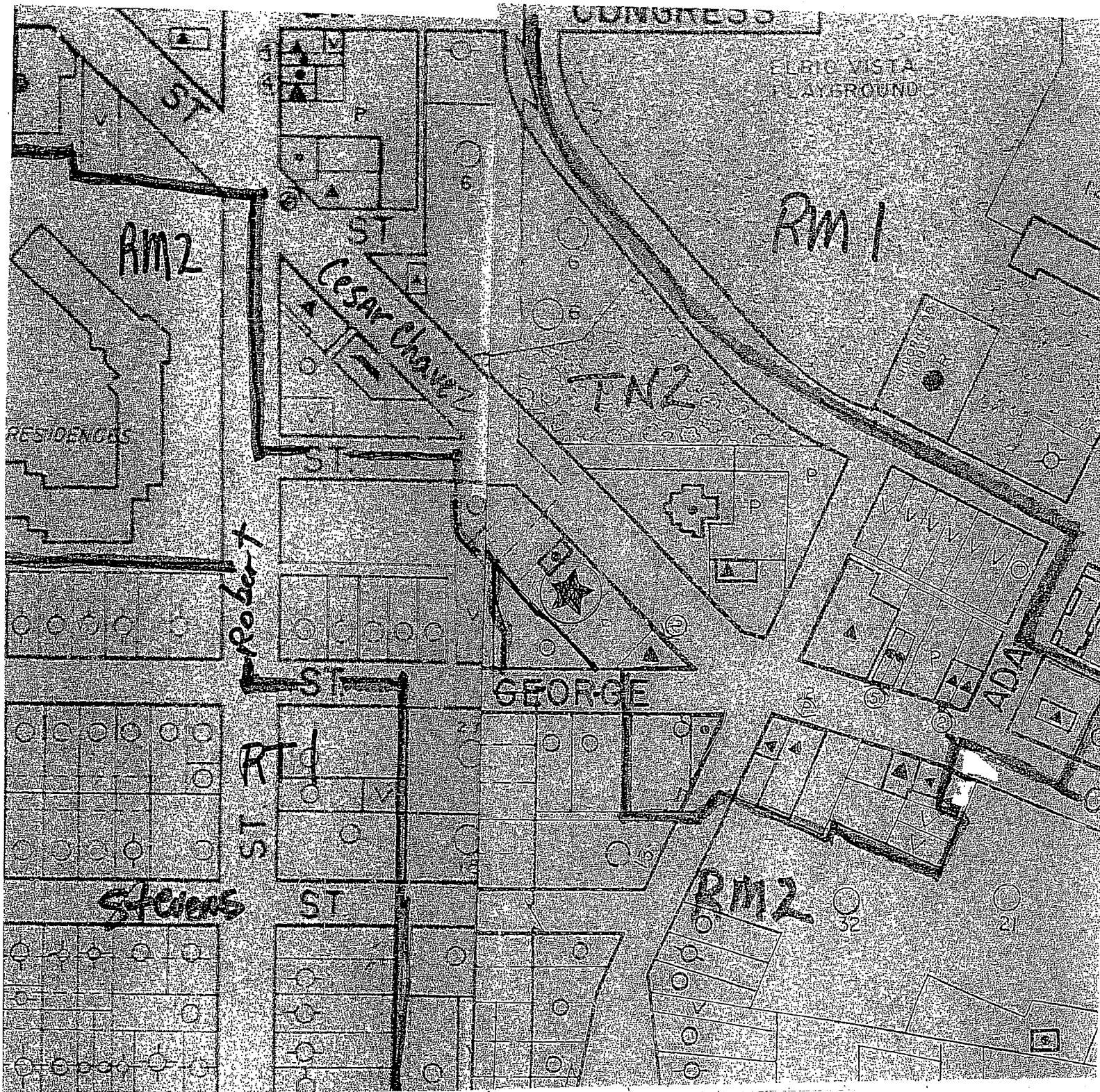
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Sincerely,

Elena Gaarder
Executive Director
West Side Citizens Organization



APPLICANT SALDI LLC
 PURPOSE CUP w/modification
 FILE # 11-111/20 DATE _____
 PLNG. DIST. 3 Land Use Map # 38+37
 SCALE 1" = 100' Zoning Map # 22

LEGEND

zoning district boundary

subject property

one family
 two family
 multiple family

commercial
 industrial
 vacant



GISmo Oblique Photography

Images courtesy of: Microsoft® Virtual Earth™ 2006

☒ Show Dashboard ☒ Show Reference Map

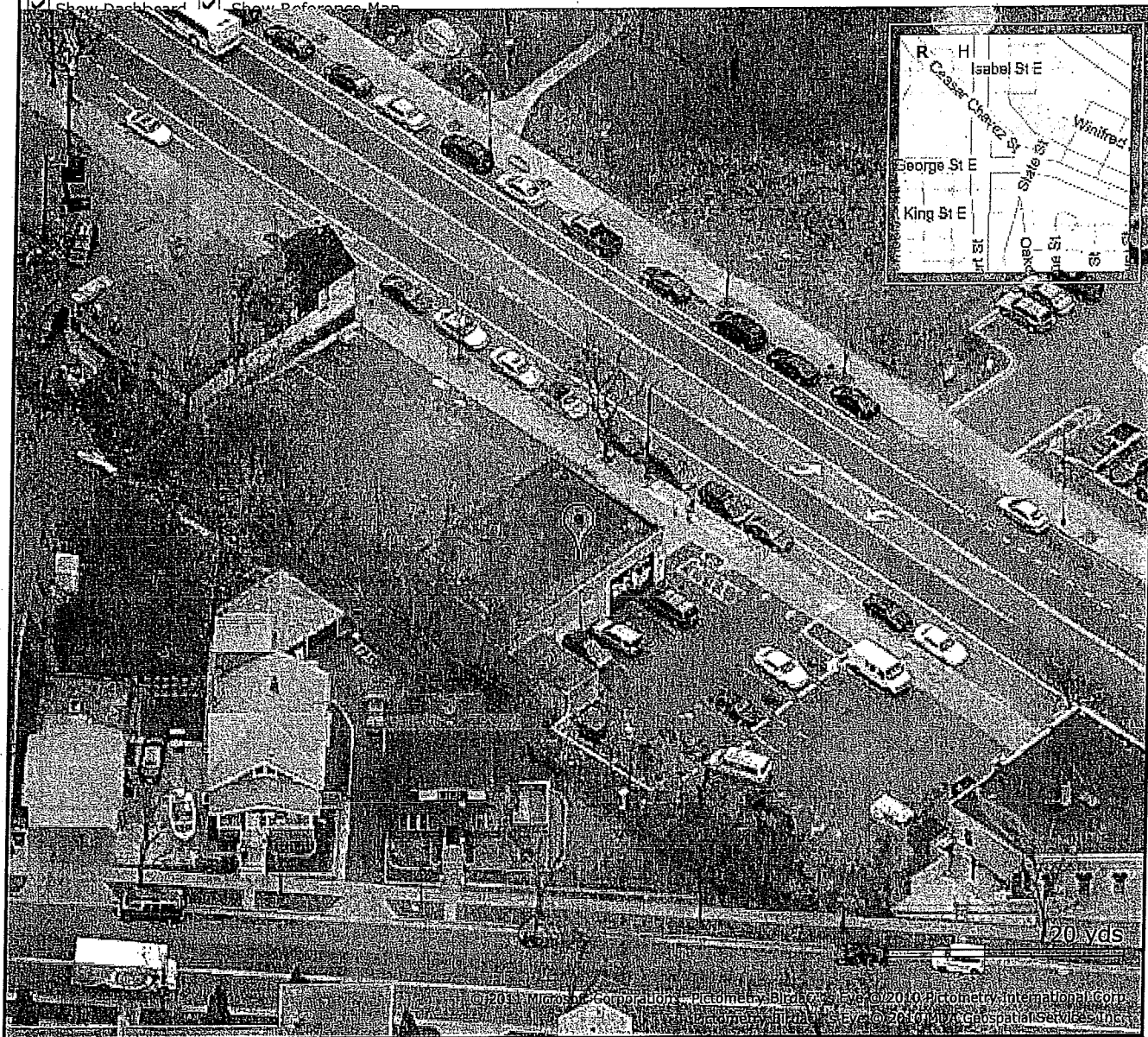




Photo #1